

**S.R. 102** - By Brooks: Commending the Texas Agriculture Extension Service for its invaluable assistance to the citizens of Texas who benefit from the Expanded Nutrition Program.

**S.R. 103** - By Brooks: Recognizing the Texas Association of Public Employee Retirement Systems (TexPERS) for their accomplishments.

#### **ADJOURNMENT**

On motion of Senator Brooks, the Senate at 11:14 a.m. adjourned until 11:00 a.m. tomorrow.

#### **APPENDIX**

Sent to Governor  
(April 25, 1990)

**S.C.R. 13**

#### **EIGHTH DAY**

(Thursday, April 26, 1990)

The Senate met at 11:00 a.m. pursuant to adjournment and was called to order by the President.

#### **AT EASE**

The President at 11:02 a.m. announced the Senate would stand At Ease until 11:45 a.m. to await the arrival of several Senators delayed due to inclement weather.

#### **IN LEGISLATIVE SESSION**

The President called the Senate to order as In Legislative Session at 11:45 a.m.

#### **AT EASE**

The President at 11:45 a.m. announced the Senate would stand At Ease until 1:30 p.m. to further await the arrival of several Senators delayed due to inclement weather.

#### **IN LEGISLATIVE SESSION**

The President called the Senate to order as In Legislative Session at 1:30 p.m.

The roll was called and the following Senators were present: Armbrister, Barrientos, Bivins, Brooks, Brown, Caperton, Carriker, Dickson, Edwards, Ellis, Glasgow, Green, Haley, Harris, Henderson, Johnson, Krier, Leedom, Lyon, McFarland, Montford, Parker, Parmer, Ratliff, Santiesteban, Sims, Tejeda, Truan, Uribe, Whitmire, Zaffirini.

A quorum was announced present.

Senate Doorkeeper Jim Morris offered the invocation as follows:

Hear our prayer this afternoon, our Father, as we pause and give thanks for those here who had the vision to build a bill to be considered. Thank You for those with zeal to persevere, for those with patience who have waited and for those with wisdom who have planned. Now may fairness and generosity prevail as the fruits of their labors move forward this day.

In Your name we pray. Amen.

**STATEMENT BY THE PRESIDENT**

The President observed that on a rainy Inaugural Day in years past, Senator Carlos Ashley of Llano opined:

**VALUES**

Oh, the glamour and the clamor  
That attend affairs of state  
Seem to fascinate the rabble  
And impress some folks as "great."

But the truth about the matter  
In the scale of loss and gain—  
Not one inauguration's worth  
A good slow two-inch rain.

Carlos Ashley

On motion of Senator Brooks and by unanimous consent, the reading of the Journal of the proceedings of yesterday was dispensed with and the Journal was approved.

**MESSAGE FROM THE HOUSE**

House Chamber  
April 26, 1990

HONORABLE W. P. HOBBY  
PRESIDENT OF THE SENATE

SIR: I am directed by the House to inform the Senate that the House has passed the following:

The House has adopted the Conference Committee Report on S.B. 1 by a non-record vote.

**H.C.R. 6**, Memorializing Congress not to increase the wage base used to calculate the federal unemployment tax.

**H.C.R. 11**, Directing the Texas Water Commission to appoint an advisory board on water permit process.

**H.C.R. 21**, Calling for the Bureau of the Census to adjust the 1990 raw census data for the undercount of minority and poor populations.

**H.C.R. 48**, Commemorating the sesquicentennial of Travis County.

**H.C.R. 49**, Recognizing May 1, 1990, as Law Day, U.S.A.

**H.C.R. 51**, Recognizing April 30 - May 6, 1990, as Spiritually Stronger Stanton Week.

**S.C.R. 8**, Urging the Department of State to pursue special area designation for the Gulf of Mexico under the MARPOL treaty.

**S.C.R. 14**, Establishing a recycling program within the Capitol Complex area.

**H.B. 102**, Relating to certain payments of money to school districts.

Respectfully,

BETTY MURRAY, Chief Clerk  
House of Representatives

**RESOLUTIONS SIGNED**

The President announced the signing in the presence of the Senate the following enrolled resolutions:

H.C.R. 2  
H.C.R. 32  
H.C.R. 37  
H.C.R. 45

**REPORT OF STANDING COMMITTEE**

Senator Brooks submitted the following report for the Committee on Health and Human Services:

C.S.S.B. 78

**SENATE BILL ON FIRST READING**

The following bill was introduced, read first time and referred to the Committee indicated:

**S.B. 89** by Brooks Finance  
Relating to an appropriation to the Texas Higher Education Coordinating Board for required family practice clerkships.

**HOUSE BILL ON FIRST READING**

The following bill received from the House was read the first time and referred to the Committee indicated:

**H.B. 102**, To Committee on Finance.

**CO-AUTHOR OF SENATE BILL 78**

On motion of Senator Brooks and by unanimous consent, Senator Edwards will be shown as Co-author of **S.B. 78**.

**CONFERENCE COMMITTEE REPORT ON  
SENATE BILL 1 ADOPTED**

Senator Parker called from the President's table the Conference Committee Report on **S.B. 1**. (The Conference Committee Report having been filed with the Senate and read on Tuesday, April 24, 1990.)

On motion of Senator Parker, the Conference Committee Report was adopted by the following vote: Yeas 26, Nays 5.

Yeas: Armbrister, Barrientos, Bivins, Brooks, Caperton, Carriker, Dickson, Edwards, Ellis, Green, Haley, Johnson, Krier, Leedom, Lyon, Montford, Parker, Parmer, Ratliff, Santiesteban, Sims, Tejeda, Truan, Uribe, Whitmire, Zaffirini.

Nays: Brown, Glasgow, Harris, Henderson, McFarland.

**REASON FOR VOTE  
CONFERENCE COMMITTEE REPORT ON S.B. 1  
ON PUBLIC SCHOOL FINANCE**

This bill fails to comply with the very clear mandate given to us by a unanimous Supreme Court of Texas when it held that the present system of financing our public schools flies in the face of the plain language of the Texas Constitution.

The Supreme Court of Texas told us that, "A band-aid will not suffice; the system itself must be changed." Edgewood Independent School District vs. Kirby, 777 S.W. 2d 391, 397 (Tex. 1989).

Instead of changing the system, as commanded by our Supreme Court, this bill is a mixed bag which includes some worthwhile but modest reforms that, over time, will undoubtedly improve upon the tragic disparities in the allocation of resources between the affluent school districts and the property-poor districts. While such well-intentioned progress would have been welcome a number of years ago, it is inadequate today, and it does not bring us into compliance with the Texas Constitution. Five years is too long for the children in property-poor school districts to wait to enjoy what the Texas Constitution says has always been their right.

Furthermore, the achievement of even that degree of equality claimed by proponents of the bill is seriously in doubt given the totally inadequate amount which it appropriates.

We reluctantly vote for this bill only because the political reality in the Legislature is that it will require additional orders of the courts to compel this body to abide by both the letter and the spirit of the Texas Constitution. Experience from other states teaches that several trips to the courthouse were often necessary to secure enactment of a bill which passes constitutional muster.

Secondly, given the totally unyielding position of the present Governor of Texas, which smacks to us of defiance of the Constitution and the Court, and the political strength of those who represent the more affluent school districts in the Legislature, we are inclined to believe that this may be the best bill that can be obtained without further and more specific orders from the courts.

TRUAN  
SANTIESTEBAN  
URIBE

#### CAPITOL PHYSICIAN

Senator Barrientos was recognized and presented Dr. Mark Dawson of Austin as the "Doctor for the Day."

The Senate welcomed Dr. Dawson and thanked him for his participation in the "Capitol Physician" program sponsored by the Texas Academy of Family Physicians.

#### SESSION TO CONSIDER EXECUTIVE APPOINTMENTS

The President announced the time had arrived to consider the Executive appointments to agencies, boards and commissions. Notice of submission of these names for consideration was given yesterday by Senator Edwards.

Senator Edwards moved confirmation of the nominees to the Higher Education Coordinating Board reported April 24, 1990, by the Committee on Nominations.

The President asked if there were requests to sever nominees.

There were no requests offered.

#### NOMINEES CONFIRMED

The following nominees as reported by the Committee on Nominations were confirmed by the following vote: Yeas 31, Nays 0.

Members, Higher Education Coordinating Board: W. MIKE BAGGETT, Dallas County; MS. PATRICIA S. PRATHER, Harris County; MRS. MARY BETH WILLIAMSON, Bexar County.

**COMMITTEE SUBSTITUTE  
SENATE BILL 78 ON SECOND READING**

On motion of Senator Brooks and by unanimous consent, the regular order of business and Senate Rule 7.13 were suspended to take up for consideration at this time on its second reading and passage to engrossment:

**C.S.S.B. 78**, Relating to the basis of fees, charges, and rates for medical assistance provided by certain hospitals serving as primary teaching hospitals for certain institutions of higher education.

The bill was read second time and was passed to engrossment viva voce vote.

**COMMITTEE SUBSTITUTE  
SENATE BILL 78 ON THIRD READING**

Senator Brooks moved that the Constitutional Rule and Senate Rule 7.19 requiring bills to be read on three several days be suspended and that **C.S.S.B. 78** be placed on its third reading and final passage.

The motion prevailed by the following vote: Yeas 31, Nays 0.

The bill was read third time and was passed viva voce vote.

**(Senator Parker in Chair)**

**HOUSE BILL 91 ON SECOND READING**

On motion of Senator Caperton and by unanimous consent, the regular order of business was suspended to take up for consideration at this time on its second reading and passage to third reading:

**H.B. 91**, Relating to appropriations for the biennium ending August 31, 1991.

The bill was read second time.

Senator Leedom offered the following amendment to the bill:

**Floor Amendment No. 1**

Amend **H.B. 91** by inserting a new Section 5 and renumbering the remaining Sections appropriately.

“SECTION 5. The amount appropriated to the Department of Corrections by Items 2. and 3., page I-83, General Appropriations Act for support services and security and correctional operations are reduced by \$12 million. The Board of Criminal Justice shall review these items with regard to construction and bond issuance delays and make appropriate adjustments to achieve this reduction. The board shall certify these adjustments to the Comptroller of Public Accounts and the Director of the Legislative Budget Board not later than August 31, 1990.”

The amendment was read.

Senator Caperton moved to table the amendment.

**(President in Chair)**

The motion to table Floor Amendment No. 1 prevailed by the following vote: Yeas 24, Nays 6.

Yeas: Barrientos, Brooks, Brown, Caperton, Carriker, Dickson, Edwards, Ellis, Glasgow, Green, Haley, Johnson, Lyon, McFarland, Montford, Parker, Parmer, Ratliff, Santiesteban, Tejeda, Truan, Uribe, Whitmire, Zaffirini.

Nays: Armbrister, Bivins, Henderson, Krier, Leedom, Sims.

Absent: Harris.

Senator Leedom offered the following amendment to the bill:

**Floor Amendment No. 2**

Amend **H.B. 91** by inserting a new Section 5 and renumbering the remaining Sections appropriately.

“SECTION 5. In addition to other appropriations under the Act, \$8,000,000 is appropriated out of the Unclaimed Money Fund, Fund 551, to the Central Education Agency for the biennium ending August 31, 1990, for purposes of distribution under the foundation school program.”

The amendment was read.

On motion of Senator Caperton, Floor Amendment No. 2 was tabled viva voce vote.

**RECORD OF VOTES**

Senators Armbrister, Leedom and Parmer asked to be recorded as voting “Nay” on the motion to table Floor Amendment No. 2.

Senator Leedom offered the following amendment to the bill:

**Floor Amendment No. 3**

Amend **H.B. 91** by inserting a new Section 5 and renumbering the remaining Sections appropriately.

“SECTION 5. In addition to other appropriations under this Act, \$7,180,000 is appropriated out of the Emergency Appropriation Fund, Fund 579, to the Central Education Agency for the biennium ending August 31, 1991, for purposes of distribution under the foundation school program.”

The amendment was read.

On motion of Senator Caperton, Floor Amendment No. 3 was tabled viva voce vote.

**RECORD OF VOTES**

Senators Armbrister, Leedom and Parmer asked to be recorded as voting “Nay” on the motion to table Floor Amendment No. 3.

Senator Leedom offered the following amendment to the bill:

**Floor Amendment No. 4**

Amend **H.B. 91** by striking Section 2 in its entirety and inserting in lieu thereof the following:

“SECTION 2. RESTORATION OF THE STATE CAPITOL AND GENERAL LAND OFFICE BUILDING. The amount appropriated by Item 1., Section 1, Article VII, page VII-I, General Appropriations Act, and allocated by Item 1., Rider 1., page I-230, of that Act to the State Preservation Board for construction, repair, and renovation for the fiscal biennium ending August 31, 1991, is reduced by \$107 million.”

The amendment was read.

On motion of Senator Sims, Floor Amendment No. 4 was tabled viva voce vote.

**RECORD OF VOTES**

Senators Green and Leedom asked to be recorded as voting "Nay" on the motion to table Floor Amendment No. 4.

The bill was passed to third reading viva voce vote.

**HOUSE BILL 91 ON THIRD READING**

Senator Caperton moved that the Constitutional Rule and Senate Rule 7.19 requiring bills to be read on three several days be suspended and that H.B. 91 be placed on its third reading and final passage.

The motion prevailed by the following vote: Yeas 31, Nays 0.

The bill was read third time and was passed by the following vote: Yeas 31, Nays 0.

**HOUSE BILL 137 ON SECOND READING**

On motion of Senator Caperton and by unanimous consent, the regular order of business was suspended to take up for consideration at this time on its second reading and passage to third reading:

**H.B. 137**, Relating to debt service on bonds issued by the Texas National Research Laboratory Commission.

The bill was read second time and was passed to third reading viva voce vote.

**HOUSE BILL 137 ON THIRD READING**

Senator Caperton moved that the Constitutional Rule and Senate Rule 7.19 requiring bills to be read on three several days be suspended and that H.B. 137 be placed on its third reading and final passage.

The motion prevailed by the following vote: Yeas 31, Nays 0.

The bill was read third time and was passed by the following vote: Yeas 31, Nays 0.

**HOUSE BILL 131 ON SECOND READING**

On motion of Senator Caperton and by unanimous consent, the regular order of business was suspended to take up for consideration at this time on its second reading and passage to third reading:

**H.B. 131**, Relating to appropriation of the economic stabilization fund for foundation school program purposes.

The bill was read second time and was passed to third reading viva voce vote.

**HOUSE BILL 131 ON THIRD READING**

Senator Caperton moved that the Constitutional Rule and Senate Rule 7.19 requiring bills to be read on three several days be suspended and that H.B. 131 be placed on its third reading and final passage.

The motion prevailed by the following vote: Yeas 31, Nays 0.

The bill was read third time and was passed by the following vote: Yeas 31, Nays 0.

**HOUSE BILL 150 ON SECOND READING**

Senator Caperton moved to suspend the regular order of business to take up for consideration at this time:

**H.B. 150**, Relating to the rate of the state limited sales, excise, and use tax.

The motion prevailed by the following vote: Yeas 26, Nays 5.

Yeas: Barrientos, Brooks, Caperton, Carriker, Dickson, Edwards, Ellis, Glasgow, Green, Haley, Harris, Johnson, Krier, Lyon, McFarland, Montford, Parker, Parmer, Ratliff, Santiesteban, Sims, Tejeda, Truan, Uribe, Whitmire, Zaffirini.

Nays: Armbrister, Bivins, Brown, Henderson, Leedom.

The bill was read second time.

Senator Green offered the following amendment to the bill:

**Floor Amendment No. 1**

Amend **H.B. 150** as follows:

In Subsection (a) of Section 3, add after the end of the sentence a new sentence to read: Additional revenues resulting from this increase shall be used solely for the financing of public education in Texas.

The amendment was read.

On motion of Senator Green and by unanimous consent, the amendment was withdrawn.

Senator Green offered the following amendment to the bill:

**Floor Amendment No. 2**

Amend **H.B. 150** as follows:

(1) In Subsection (a) of Section 3, add at the end of the sentence, after "Act" and before the period, "and expires on September 1, 1991"

(2) Add a new SECTION 4 to read as follows:

SECTION 4. Chapter 322, Tax Code, is amended by adding Section 322.111 to read as follows:

Sec. 322.111. **TEMPORARY REDUCTION BY CERTAIN ENTITIES.** (a) A taxing entity in which the principal city has a population of 2.4 million or more, according to the most recent federal decennial census, shall reduce the sales tax imposed by 1/2 percent of the sales price of the taxable item sold, effective on the first day of the first calendar quarter beginning on or after the effective date of H.B. 150, Acts of the 71st Legislature, 4th Called Session, 1990.

(b) This section expires September 1, 1991.

(3) Renumber subsequent sections accordingly.

The amendment was read.

On motion of Senator Green and by unanimous consent, the amendment was withdrawn.

The bill was passed to third reading viva voce vote.

**RECORD OF VOTES**

Senators Armbrister, Brown, Harris, Henderson, Leedom and McFarland asked to be recorded as voting "Nay" on the passage of the bill to third reading.



**HOUSE BILL 150 ON THIRD READING**

Senator Caperton moved that the Constitutional Rule and Senate Rule 7.19 requiring bills to be read on three several days be suspended and that H.B. 150 be placed on its third reading and final passage.

The motion prevailed by the following vote: Yeas 27, Nays 4.

Yeas: Barrientos, Bivins, Brooks, Caperton, Carriker, Dickson, Edwards, Ellis, Glasgow, Green, Haley, Harris, Johnson, Krier, Lyon, McFarland, Montford, Parker, Parmer, Ratliff, Santiesteban, Sims, Tejeda, Truan, Uribe, Whitmire, Zaffirini.

Nays: Armbrister, Brown, Henderson, Leedom.

The bill was read third time and was passed viva voce vote.

**RECORD OF VOTES**

Senators Armbrister, Bivins, Brown, Harris, Henderson, Leedom and McFarland asked to be recorded as voting "Nay" on the final passage of the bill.

**MEMORIAL RESOLUTIONS**

H.C.R. 43 - (Brown): In memory of Judge George Ed Webb, Jr., of Alvin.

H.C.R. 47 - (Sims): In memory of Ben W. Bock of New Braunfels.

S.C.R. 20 - By Ratliff: In memory of Henry Moyers of Marshall.

**WELCOME AND CONGRATULATORY RESOLUTIONS**

H.C.R. 13 - (Santiesteban): Commending Raul Salais.

H.C.R. 42 - (Ellis): Extending congratulations to Mr. and Mrs. Larry P. Boyd on the birth of Rachel Lauren Boyd.

H.C.R. 44 - (Truan): Declaring April 23, 1990, to be Mary Holdsworth Butt Day in Texas.

H.C.R. 48 - (Barrientos): Commemorating the sesquicentennial of Travis County.

H.C.R. 49 - (Dickson): Recognizing May 1, 1990, as Law Day in Texas.

H.C.R. 51 - (Montford): Recognizing the week of April 30 - May 6, 1990, as Spiritually Stronger Stanton Week.

S.C.R. 9 - By Uribe: Requesting the Texas Department of Criminal Justice to name the new prison building in Beeville the Ruben M. Torres Building in recognition of his services to the State and the Texas Board of Pardons and Paroles.

S.C.R. 19 - By Brooks: Commending Dr. Sammy Ray of Galveston for his achievements in the field of marine biology.

S.R. 104 - By Parker: Extending congratulations to the Hull-Daisetta High School students for capturing the district UIL literary title for 1990.

S.R. 105 - By Tejeda: Extending congratulations to Harlandale Independent School District for making the 15th Annual Cultural Arts Exhibit a special gift to the young people of San Antonio.

S.R. 106 - By Tejeda: Commending Andy Galan for his meritorious work with the youth of Texas and San Antonio.

**S.R. 107** - By Barrientos: Commending the staff and volunteers of Big Brothers/Big Sisters of Austin for their exceptional services on behalf of the young people of Austin.

**S.R. 108** - By Bivins: Extending greetings to the citizens of Tulia and commemorating their city's 100th birthday.

**S.R. 109** - By Truan: Extending greetings and best wishes to the citizens of Corpus Christi on the occasion of the 1990 Buccaneer Days Festival.

**S.R. 110** - By Dickson: Extending congratulations to Mondel Rogers of Sweetwater on his selection as Texas State Artist.

**S.R. 111** - By Brooks: Extending congratulations to the Reverend Dr. Frank Mimms Johnson of the First Missionary Baptist Church, Texas City, on his 44th anniversary as minister of that church.

#### ADJOURNMENT

On motion of Senator Brooks, the Senate at 5:21 p.m. adjourned, in memory of Mrs. Ada Deats of San Angelo, until 11:00 a.m. Monday, April 30, 1990.

#### NINTH DAY

(Monday, April 30, 1990)

The Senate met at 11:00 a.m. pursuant to adjournment and was called to order by President Pro Tempore McFarland.

#### AT EASE

Senator McFarland announced at 11:02 a.m. the Senate would stand At Ease until 11:30 a.m.

#### IN LEGISLATIVE SESSION

The President at 11:30 a.m. called the Senate to order as In Legislative Session.

The roll was called and the following Senators were present: Armbrister, Barrientos, Bivins, Brooks, Brown, Caperton, Carriker, Dickson, Edwards, Ellis, Green, Haley, Harris, Henderson, Johnson, Krier, Leedom, Lyon, McFarland, Montford, Parker, Parmer, Ratliff, Sims, Tejeda, Truan, Whitmire, Zaffirini.

Absent-excused: Glasgow, Santiesteban, Uribe.

A quorum was announced present.

The Reverend Dr. John C. Gilbert, Senior Pastor, First United Methodist Church, Austin, offered the invocation as follows:

O Thou whose abode is beyond our search, whose voice is beyond the range of our ears to hear, whose form is comely yet never clearly in focus by our human eyes, and whose ways are beyond our knowing; nonetheless, dwells among us, speaks to us, dances the dance of life around about us that we may share in Your life, and endows us with abilities beyond our abilities that we may do Your will. Be present, we pray, in this place this day to guide, challenge, instruct, empower and judge these women and men assembled here whose election is to represent all the people of the Great State of Texas in this Senate of the Seventy-First Legislature. May this Senate find the courage to see all things as they truly are, the vision to see